

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 97-CR-80625

Hon. Gerald E. Rosen

THELTON F. STUCKEY, III, *et al.*,

Defendants.

**ORDER REGARDING DEFENDANT'S INITIAL AND RENEWED MOTIONS
TO UNSEAL DISCOVERY AND SEALED PORTIONS OF TRANSCRIPTS**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 25, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

By initial motion filed on January 9, 2006 and renewed motion filed on April 6, 2006, Defendant Thelton Stuckey requests that his new appellate counsel, Tracie Dominique Palmer and David S. Steingold, be granted access to certain sealed discovery materials and portions of the trial transcript in order to properly represent Defendant and prepare his submissions on appeal.¹ The Court having reviewed these motions, and being otherwise fully advised in the premises,

¹Shortly after Defendant filed his initial motion, the Government filed a motion with the Sixth Circuit Court of Appeals seeking to disqualify Defendant's proposed new lead counsel. While the Government's motion remained pending, the Court elected not to act upon the present request. The Sixth Circuit having resolved the Government's motion, the Court is now prepared to go forward on counsel's request for access to the sealed portions of the trial record.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's January 9, 2006 and April 6, 2006 motions to unseal discovery and sealed portions of trial transcripts are GRANTED. Accordingly, IT IS FURTHER ORDERED that Defendant's trial counsel, Anthony Chambers, shall make his trial file in this case available for review and copying by Defendant's new appellate counsel, Tracie Dominique Palmer and David S. Steingold, for the sole purpose of preparing Defendant's pending appeal. In conducting this review and making copies of any desired portions of this file, Defendant's new appellate counsel shall be subject to the same restrictions that the Court previously imposed on Defendant's trial counsel regarding the portions of this record that may and may not be shared with Defendant himself. In addition, IT IS FURTHER ORDERED that Defendant's new appellate counsel shall be granted access to the sealed portions of the trial transcript, subject once again to the same restrictions previously imposed upon Defendant's trial counsel.²

Dated: April 25, 2006

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 25, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager

²In order to implement this portion of the Court's order, Defendant's new appellate counsel shall submit a motion and proposed order identifying the specific portions of the trial record that they wish the Court to unseal so that its court reporter may prepare the appropriate transcripts of the trial proceedings.